IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. **2409** OF **2005**

Jamshed T. Khambatta Petitioner
vs.
The Swadeshi Mills Company Ltd. & ors.
Respondents

ALONG WITH
WRIT PETITION NO. 1814 OF 2005

Vispi Erach Surty Petitioner
vs.
The Swadeshi Mills Company Ltd. & ors.
Respondents

WITH
WRIT PETITION NO. 1243 of 2005

R. S. Shanbhag Petitioner
vs.
The Swadeshi Mills Company Ltd. & ors.
Respondents

WITH
WRIT PETITION NO. 1528 OF 2005

Alka Bhagvat Petitioner
vs.
The Swadeshi Mills Company Ltd. & ors. Respondents

WITH
WRIT PETITION NO. 1675 OF 2005

M.K. Prabhu Petitioner
vs.
The Swadeshi Mill Company Ltd. & ors. Respondents

WITH
WRIT PETITION NO.1701 OF 2005

Madasseri S. Nair Petitioner
vs.
The Swadeshi Mill Company Ltd. & ors. Respondents

WITH
WRIT PETITION NO. 1845 OF 2005

Harishchandra R. Bagve Petitioner
vs.
The Swadeshi Mill Company Ltd. & ors. Respondents

WITH
WRIT PETITION NO.1846 OF 2005

Yazdi R. Khambatta
Petitioner
vs.
The Swadeshi Mills Company Ltd. & ors.
Respondents

WITH
WRIT PETITION NO. 1863 OF 2005

Rohinton A. Chhoga Petitioner
vs.
The Swadeshi Mills Company Ltd. & ors.
Respondents

WITH
WRIT PETITION NO.1864 OF 2005

Jhangoo Dosabhai Elavia Petitioner
vs.
Swadeshi Mills Company Ltd. & ors. Respondents

WITH
WRIT PETITION NO.1901 OF 2005

Malcolm Andrade Petitioner
vs.
The Swadeshi Mills Company Ltd. & ors.
Respondents

WITH
WRIT PETITION NO.1916 OF 2005

Manohar Gangaram Mohite Petitioner
vs.
Swadeshi Mills Company Ltd. & ors. Respondents

AND WITH
WRIT PETITION NO.2418 OF 2005

Raghoji N. Darpe Petitioner
vs.
The Swadeshi Mills Company Ltd. & ors.
Respondents

Mr. P. M. Patel for the petitioner.

Mr.V. Y. Sanglikar for the respondent no.3.

Ms.K. V. Gautam, Dy. Official Liquidator present.

CORAM: DALVEER BHANDARI, C.J. &
S. J. VAZIFDAR, J.

DATE : 11TH OCTOBER 2005.

P.C.:

1. We have heard the learned counsel for the parties. They submit that this Petition is covered by a decision of this Court in Writ Petition No.482/2004-Veera Dubash v. The Swadeshi Mills Company Ltd. delivered by a Division Bench of this Court on 7-4-2004. We have examined the matter. In our opinion, the prayer is reasonable and, accordingly, we pass the same order in these Petitions.
2. Rule.
3. Rule made returnable forthwith. The learned counsel appearing for the respondents waive service. By consent petitions are taken up for hearing.

4. These petitions are filed by the former employees of the Swadeshi Mills Ltd. Swadeshi Mills has gone into liquidation and Provisional Liquidator has already been appointed. By these petitions the petitioners have raised grievance about their claim for pension, provident fund and gratuity. Our attention is drawn to the orders passed by the Division Bench in similar cases i.e. Writ Petition Nos. 515 of 2002 decided on 22.4.2002 and 1351 of 2003 decided on 18.11.2003. Ms.K.V. Gautam, Dy. Official Liquidator who is present before this Court stated that he will verify the claims of the petitioners for pension, provident fund and gratuity and take appropriate steps for releasing the same in favour of the petitioners.

5. The Provisional Liquidator shall verify the claims of the petitioners for provident fund and gratuity and write to the concerned banks for releasing the amount of provident fund and gratuity directly in favour of each of the petitioner. Upon receipt of such instructions from the Provisional Liquidator the concerned banks shall forthwith release the amount to the petitioners as directed.

6. The Provisional Liquidator shall furnish all details to the petitioners as per the master policy bearing no.GA/12518 i.e. (i) Purchase

Price/Subscription as per the rules, (ii) to furnish all the details in the Form of 62010-A, with all the details mentioned therein and (iii) specimen signature with bank details of the petitioners. The petitioners shall exercise their option relating to annuities within two weeks from the date of receipt of information from the Provisional Liquidator. The Liquidator shall then inform the Life Insurance Corporation about the option exercised by each of the petitioner for purchasing the annuity and remit the amount in respect of each of the petitioner to the Life Insurance Corporation.

7. The aforementioned petitions are disposed of in terms of aforementioned matter. No order as to costs.

CHIEF JUSTICE

S.J. VAZIFDAR,J.